

NO. 07-18-00374-CR
NO. 07-18-00375-CR

DARREN LAMONT BIGGERS

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COURT OF APPEALS

VS.

SEVENTH DISTRICT

THE STATE OF TEXAS

OF TEXAS

FILED IN
7th COURT OF APPEALS
AMARILLO, TEXAS
8/16/2019 10:43:43 AM
VIVIAN LONG
CLERK

MOTION EXTEND TIME TO FILE THE STATE'S BRIEF

TO THE HONORABLE JUSTICES OF SAID COURT:

Now comes the State of Texas in the above styled and numbered cause, and moves this court to grant a motion to extend time to file the State's brief pursuant to Rule 38.6 and 10.5(b) of the Texas Rules of Appellate Procedure. The State requests an extension for good cause shows the following:

1. The State's brief is due August 19, 2019.
2. The State requests an extension of time of 14 days from the current due date to at least September 2, 2019.
3. This is the second extension requested by the State in this cause.
3. The Defendant is currently incarcerated.
4. The State relies on the following facts as good cause for the requested extension: Counsel for the State has obligations that are greater than those of a normal busy schedule. First, Counsel for the State had a brief due on August 12, 2019 in the Second District Court of Appeals, Luna v. State, 02-18-00452-CR. Next, Counsel had a jury trial, State v. Terry, CR18-00459, that also began on

Monday, August 12, 2019 in the 235th Judicial District Court of Cooke County, Texas. Counsel also has a trial multiple cases that are set for trial on August 26, 2019, one of which is likely to proceed to trial. Additionally, the Counsel for the State has a previously scheduled conference for the week of August 19, 2019 and is scheduled to be out of the office for the entire week. Thus, much of the trial preparation has been necessary to be completed this week and will continue into this weekend. Additionally, the issues contained in this case before this Court are complicated issues that have required an above average amount of research and analysis.

5. Counsel for the State has discussed this requested extension with Counsel for Appellant, who agrees with the requested extension.

WHEREFORE, PREMISES CONSIDERED, Appellee prays that this Court grant the requested extension, and for such other and further relief as the Court may deem appropriate.

Respectfully submitted,

/s/ Eric Erlandson

Eric Erlandson

State Bar No. 24077351

Assistant District Attorney

Cooke County District Attorney's Office

Eric.Erlandson@co.cooke.tx.us

CERTIFICATE OF CONFERENCE

I certify that on August 16, 2019, I conferred with Jeromie Oney, Attorney for Appellant, with the following result: Attorney for Appellant agrees to my motion.

/s/ Eric Erlandson

Eric Erlandson

CERTIFICATE OF SERVICE

This is to certify that on August 16, 2019, a true and correct copy of the above and foregoing document was served on the Attorney for Appellant, via the Texas efilng system.

/s/ Eric Erlandson

Eric Erlandson